

EAST PALESTINE VILLAGE COUNCIL SEPTEMBER 9, 2013-COMMUNITY CENTER 7PM

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Cohen, Mr. Figley, Mr. Tyger and Mrs. Wisser. Mr. Elzer was absent. The minutes from the August 26, 2013 meeting were approved on a motion by Mr. Cohen seconded by Mrs. Wisser. All in favor. The August department reports were approved on a motion by Atty. Beagle, seconded by Mr. Cohen. All in favor.

AGENDA: JIM LYNCH- Former Mayor Jim Lynch stated he lives at 701 Alice St. and has for the last 13 years. There is an ongoing problem in the alley behind Alice St between Forbes and Pleasant Dr. At least once a year for many years he has been in contact with various Police Chiefs and City Managers about this person's property, the house right against the alley. The bushes and weeds grow so large that you almost have to hit the telephone pole on the other side of the alley to avoid hitting them. It is the same problem every year, he said it can be overgrown by June and they get sent a notice, and by then its July and into August and they have 30 days to react to the notice so now it's September before the weeds are finally cut. Mr. Lynch said this isn't a good procedure and it needs corrected. He stated he has been working with the Manager and Police Chief and they have been very helpful, they came up with the idea that people get a warning letter only once and

If they are in violation again next year there is no warning letter. Mr. Lynch said the problem is all over town. He said there was a pile of garbage there for 3 weeks and that there is a little building there that you can watch the rats going back and forth. He asked council to please pass the ordinances needed by the Manager and Police to help this problem so it doesn't go on year after year. He stated he will be calling whoever he needs to make sure these ordinances are done the way they should be; they should be fair to everyone. Mr. Lynch stated he worked with former Police Chief Hoffmeister and found that 15% of the people that own homes here live out of town and over 50% of homes are rentals. Mr. Figley stated that Mr. Lynch had given him these statistics and that there is a small percent of people, maybe 8 to 10% who actually can't afford to fix up their homes. Mr. Figley stated he would like to put together a committee to work on this problem and not much may happen until we have a building inspector but we have to take care of the problem. Mr. Figley said he spoke to a resident that has fixed up their home and the house beside it is unbelievable and should be torn down. We don't have to have things like that here and we are not doing enough about it. Mr. Lynch said he has heard the Village say "we can't afford to hire a building inspector", he feels we can't afford not to. He said we can't expect this to be done with what we have now or other jobs will suffer. Manager Monteleone stated that he has spoke with Mr. Lynch several times and he brought up the habitual offenders and the ordinance. He said he spoke with Atty. Smith about the idea of sending a warning letter one time and then taking care of the problem as needed after that and after looking at the ordinance they feel they can implement that program and intend to do so next year. Atty. Beagle asked if we can do anything before next year that she knows the property Mr. Lynch is talking about and he is not the only one complaining about it. Monteleone asked if she meant the grass or the weeds and Atty. Beagle said neither. The grass will die off but the branches that scratch peoples cars don't die off, we have to do something now. Mr. Figley stated he has never seen where anyone has been prosecuted for property violations and if we don't do that how can we expect people to know we are serious. Monteleone stated Chief Dickey recently appointed Officer Milliken as the violations officer. Chief Dickey stated they have taken enforcement action on a couple properties in the past and they have been fined. Mr. Figley said the way the town looks there should be a lot more than two. Monteleone said he met with Atty. Smith this week and there is a house they are taking action on. Mr. Figley asked that if someone doesn't mow the grass if we mow it and charge them for it and Monteleone said yes. Figley said there is a house on Clark St. that's been bad for a month. Monteleone said it is probably on the list now and they have done over 50 in the last couple months. Atty. Smith stated it wouldn't hurt to do a comprehensive review to look at the ordinances. Mr. Figley said that a \$25.00 fine won't do anything, make it more substantial. Atty. Smith said there is a limit on fines for these types of violations which are mostly minor misdemeanors. Monteleone said he has spoke to Chief Dickey if we could have them pay for the mowing and charge them a fine and Chief Dickey

stated he felt that could be done. Mr. Figley asked if it was true that the guys that mow a bank property get \$400; Monteleone asked if he meant a private company and Mr. Figley said a city employee and one of his kids. Finance Director Traci Thompson said they did not, she said for example tonight's legislation is for the special assessments for mowing. She figures in wages, equipment usage and an administration fee and the fees are not that high. Thompson said at one time they did charge a flat \$400 rate that was put on the assessments but we never paid anyone \$400 and if we did it was a long time ago. Mayor Zuch suggested Pete work with council and Atty. Smith and maybe include some citizens to come up with a committee. Mr. Figley said he wanted a council committee. Mr. Cohen said he agreed with him but this may already be in place with the legislation committee but in forming a new committee if there are more than three council there you have sunshine law issues. Atty. Smith stated a Legislation Committee meeting could be called for the purpose of reviewing those ordinances. Atty. Beagle stated a committee to review properties in town would be separate from the Legislation Committee however she thinks it is a good idea and said she would like to be on that committee. Mr. Figley asked about the high grass at the East North Ave School and Monteleone stated a letter was mailed and they mowed part of it but not all and we will continue to communicate with them. Monteleone stated he has been discussing the budget with Traci and now that we will have space for a building inspector that hopefully in the near future we can get a part time building inspector. Atty. Beagle stated these issues need addressed and shouldn't be hanging on. A special meeting was called for Tuesday September 17 at 6:15 for the purpose of studying ordinances on property maintenance. There was no Clerks report.

MAYOR: Mayor Zuch thanked everyone who worked to make the first Arts & Crafts Festival a success. She said she has begun working on the list of Boards and Commissions for members who have terms that will be expiring and she will present Council with a list that they have to pick. It was previously mentioned about putting something in the paper for anyone interested in serving on those boards. Mr. Cohen reminded everyone the change in the law regarding the Board of Trustees for the Library that council now has to vote to approve those.

MANAGER: Manager Monteleone stated that he had spoke with Darren Machuga from the EPA about the coal dust issue, and he sent letters to Senator Schiavoni, the County Commissioners, and the Village of Columbiana and in constant contact with the Railroad.

LAW DIRECTOR: Atty. Smith stated there is legislation regarding the concession stand. She stated she had brought up at the last meeting about her concerns regarding conflict of interest to the initial proposal that was received. Despite her concerns it was requested that legislation be prepared and it is extremely generic in form, it basically gives the Manager authority to negotiate a lease during the off season and there are a lot of blanks as far as amounts, security deposit, and vendor's license.

STREET: Mr. Figley stated he is very unsatisfied with the W. Main St. chip and seal and asked if there was any money to fix it. It gives a very bad view of chip and seal and people won't want it if that is how it's going to be. Mr. Cohen and Mr. Figley said that West St. is bad also. Monteleone stated that with chip and seal we patched and sealed it to help maintain it for the next couple years and that the County did a much better job on it this year. Mr. Figley said the best job was done on the East side of town but when you do it over disastrous bumps and holes it's not good. Mr. Cohen asked if W. Main was on the list to be paved next summer and Monteleone said no. Mr. Figley asked how the money for the Street Levy stood, if it was "in the hole". Thompson said all the money that was appropriated was expensed. Monteleone said there was a water leak on W. Main that did do extensive damage. Mr. Figley asked if we borrowed money last year to finish and Thompson said no but that we did borrow money to pave Wood, Alice and Garfield. Monteleone said the new list isn't final and encouraged Council to give input. Mr. Figley said when Monteleone did the park without talking to him or anyone else, they black topped it with the spreader and got it in decent shape and then chip and sealed it but West Main St. was only chip and sealed and it looks like it. Kent Chapman stated the back of his property is against W. Main and it has been in disrepair

for a long time and he was happy it was chip and sealed and it looked good until the water leak but by the city garage it looks like they went directly over pot holes. Mr. Figley said he saw a city dump truck out after hours and didn't know if it was authorized and he also said he had a complaint about the city garage being open on the weekends with guys working on vehicles. Monteleone said he would check into it.

SAFETY/PARK/REC/CEM: Mr. Cohen stated the footbridge at Glenview Cemetery has been unusable and if it is really needed there. It should be repaired or torn down. Monteleone said they have been discussing tearing it down. Mr. Cohen stated he would like to have a Park Committee meeting before the next council meeting but Mrs. Wisser had told him they wanted a Utility Committee meeting also. Mr. Cohen stated he would like to discuss the concession stand issue, the legislation regarding the concession stand is Mr. Elzers and he wasn't there to discuss it. It was decided that on September 23, prior to the regular meeting at 7pm there would be a Park Committee meeting at 5pm and a Utility Committee meeting at 6pm. Atty. Beagle stated that the Police Department has got very small cameras that fit on the police uniforms and these will protect the department but also the citizens. Monteleone stated that his department in Virginia had these cameras and they are a wonderful tool. Chief Dickey said they record up to two hours and Monteleone said the officers activate them when they feel it is needed. She also stated the PD had intercoms put on the phones, that some people are concerned who they are talking to when they call and this way they can get directly to an officer and then the officer can get back to them. Atty. Beagle corrected herself and said they are answering machines not intercoms.

DEVELOPMENT: MR. ELZER ABSENT

UTILITY: Mrs. Wisser had no report but reminded everyone of the Utility Committee meeting that was just scheduled.

FINANCE: NO REPORT

VISITORS: Chuck McGuire, John & Dot Herbert, John & Bonnie Davis, Wm. Nelepka, Jim Lynch, Larry & Terri Ward, Kent Chapman, Chief Kevin Dickey, Traci Thompson and Mark Walker.

VISITORS COMMENTS ON CURRENT LEGISLATION: Atty. Beagle stated she a dislike for concession stand legislation and Mayor Zuch asked if she would like to table it and she said she would like to, at least until Mr. Elzer was there to answer questions. She said she didn't even know why the ordinance was there and Atty. Smith stated it was there because it was requested. Mr. Cohen made a motion that the ordinance regarding the concession stand be tabled, seconded by Atty. Beagle. All in favor, concession stand ordinance tabled.

LEGISLATION: Atty. Beagle introduced Res. 9-2013 and made a motion that it be read by title only, seconded by Mr. Cohen. **A resolution authorizing the fiscal manager to certify annual special assessments to the county auditor and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Cohen. All in favor. Atty. Beagle called for a vote on Res. 9-2013. Atty. Beagle-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y. 5 yes to pass.

ADJOURN: Mr. Cohen made a motion to adjourn, seconded by Mrs. Wisser. All in favor, meeting adjourned.

